

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

In re: Customer Engineering Services

Docket No.: INS No. 20-079-AP

NOTICE OF HEARING

1. Customer Engineering Services (“Petitioner”) is an employer with a New Hampshire location and New Hampshire employees. Petitioner disputes the workers’ compensation rate classification assigned by Mitsui Sumitomo Ins. USA Inc. (“Respondent”) for field service technicians in New Hampshire.
2. On October 8, 2020, the New Hampshire Workers Compensation Appeals Board (“Board”) held a hearing in accordance with the Dispute Resolution Process as approved by the commissioner regarding the classification dispute. The Board issued a decision on October 14, 2020, finding that no changes should be made to the classifications.
3. On November 13, 2020, Petitioner filed an appeal of the Board’s decision with the New Hampshire Insurance Department (“Department”) in accordance with RSA 412:27 and 400-A:17. Petitioner’s appeal was timely, and made in good faith.
4. Therefore, a hearing in the matter shall be held on **December 9, 2020, at 10:00 a.m.** using video conferencing in accordance with Administrative Rule Ins 206.01(b). If either party does not have access to the internet or the capabilities to participate by video, the party must contact the Hearing Clerk as soon as possible to arrange to use a computer set up at the Department for the hearing. All parties should review the enclosed Remote Hearing Guidelines for further information regarding remote hearing procedures.

5. The specific issues to be determined at the adjudicatory proceeding include, but are not limited to the following:
 - a. Whether the classification code 3724 is the appropriate classification for Petitioner's New Hampshire employees; and
 - b. If classification code 3724 is not the proper classification code, whether the correct classification code can be applied retroactively.
6. The hearing shall be conducted in accordance with RSA 541-A:31, RSA 400-A:17 *et seq.* and Ins Part 200. To the extent that the Department's rules do not address an issue of procedure, the Department shall apply the N.H. Department of Justice Rules, Part 800.
7. If either party elects to be represented by counsel, at the party's own expense, counsel shall file a notice of appearance at the earliest date possible. A copy of the Department's Notice of Appearance is enclosed with this Order.
8. Pursuant to RSA 400-A:19 I, Insurance Commissioner Christopher Nicolopoulos appoints Michelle Heaton, Esquire, to act as Hearing Officer in this matter with all the authority within the scope of RSA 400-A:19 and Ins 203.01. Linda Zalinskie shall serve as clerk to the Hearing Officer.
9. All routine procedural inquiries may be made by contacting Linda Zalinskie, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301, (603) 271-2261. Any communications with the Hearing Officer and the Commissioner shall be in writing and filed as provided above. Ex parte communications are forbidden by statute and the Department's regulations.
10. Any proposed exhibits, motions or other documents the parties intend to become part of the record in this proceeding, shall be filed with the Hearing Clerk, in the form of an original and

two copies. All documents shall be filed by emailing them to Linda.M.Zalinskie@ins.nh.gov and mailing or delivering them to Linda Zalinskie, Hearing Clerk, New Hampshire Insurance Department, 21 South Fruit Street, Suite 14, Concord NH 03301.

11. A witness list and any proposed exhibits shall be pre-marked and filed with the Hearing Clerk no later than five (5) days before the date of the hearing. Petitioner shall pre-mark exhibits with capital letters, and the Respondent shall pre-mark exhibits with Arabic numerals.

12. The department shall record the entirety of the proceedings. Any party may request a transcript of the proceeding. The party requesting a transcript of the proceeding shall file a written request for a certified court reporter with the Hearing Officer at least 10 days prior to the scheduled hearing date. The costs incurred for the services of a certified court reporter shall be borne by the requesting party.

It is **SO ORDERED**.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 11/17/2020 
Christopher Nicolopoulos, Commissioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Notice of Hearing was sent this date by email and mail to Scott Priz, Counsel for Petitioner, and Karen Asher-Cohen, Counsel for Respondent.

Date: 11/17/2020 
Linda Zalinskie, Hearing Clerk